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JACKSON WALKER L.L.P.

#5

FACSIMILE

DATE: March 22, 2002

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FROM: Robert C. Klinger

DIRECT DIAL NUMBER: (972) 744-2902

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PETITIONING OFFICE

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Richardson
San Angelo
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Frank W. Ahern

Art Unit: 2181

Serial No.: 09/933,347

Examiner: unknown

Filed: May 20, 2000

Docket No.: 101950.00027

For: SYSTEM ENABLING DEVICE COMMUNICATION IN AN
EXPANDED COMPUTING DEVICE

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PATENT OFFICE

**PETITION TO VOID SERIAL NUMBER 09/819,053 ASSIGNED TO APPLICATION
AND REQUEST FOR REFUND**

Assistant Commissioner for Patents

Washington, D.C. 20231

Dear Sir:

**CERTIFICATE OF FACSIMILE TRANSMISSION
PURSUANT TO 37 C.F.R. 1.8**I hereby certify that this correspondence is being
transmitted by facsimile to the Commissioner for Patents
at facsimile number 703/308-6916 on March 22, 2002.
Debra A. Pepper

Two serial numbers have been assigned to the above-identified application, as follows:

1. 09/819,053; and
2. 09/933,347.

This Petition is being filed to request the voidance of Serial No. 09/819,053. In a Decision Granting Petition mailed June 7, 2001, Serial No. 09/819,053 was assigned to this application. A Filing Receipt for this serial number was mailed by the Office on November 7, 2001. A Filing Receipt for Serial No. 09/933,347 was mailed by the Office on December 18, 2001. Since there are presently two serial numbers assigned to the same application, it is requested that Serial No. 09/819,053 be voided and that prosecution be continued under Serial No. 09/933,347. Copies of the following documents are attached hereto which provides additional information:

- A. Copy of Decision Granting Petition mailed June 7, 2001;

- B. Copy of Filing Receipt for Serial No. 09/819,053; and
- C. Copy of Filing Receipt for Serial No. 09/933,347.

In addition, receipt of a filing fee in the amount of \$372.00 was acknowledged by the Office in the above mentioned Decision Granting Petition and a copy of the canceled check is attached hereto. Furthermore, a filing fee of \$372.00 was deducted from Jackson Walker Deposit Account No. 10-0096 in connection with Serial No. 09/933,347. A copy of the Deposit Account Statement dated December 31, 2001 is attached hereto showing that payment.

Since the filing fee was paid twice for the same application, it is requested that a refund in the amount of \$372.00 be issued in the form of a check payable to Jackson Walker L.L.P. to be mailed to the following address:

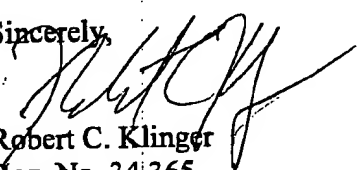
Jackson Walker L.L.P.

2435 N. Central Expressway, Suite 600

Richardson, Texas 75080

Should further information be required in order to grant this petition, please contact the undersigned attorney at the telephone number listed below. Please charge any petition fee required by this filing to Deposit Account No. 50-1752 (Jackson Walker L.L.P.).

Sincerely,


Robert C. Klinger
Reg. No. 34,365
Attorney for Applicant

Jackson Walker L.L.P.
2435 North Central Expressway, Suite 600
Richardson, Texas 75080
(972) 744-2902 Phone
(972) 744-2909 - Fax

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PETITIONS

06/20/01 WED 11:37 FAX



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PATENT OFFICE

Robert C. Klinger
 Jackson Walker, LLP
 1435 N. Central Expressway
 Suite 600
 Richardson, TX 75080

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JUN 07 2001

 OFFICE OF PETITIONS
 A/C PATENTS

In re Application of
 Frank W. Ahern
 Application No. 09/130,058
 Filed: August 6, 1998
 Attorney Docket No. 1-DOS 14

In re Application of
 Frank W. Ahern
 Application No. 09/819,053
 Filed: May 20, 2000
 Attorney Docket No. 101950.00027

DECISION GRANTING PETITION

This is a decision on the petition filed February 20, 2001, requesting that an application of FRANK W. AHERN entitled "SYSTEM ENABLING DEVICE COMMUNICATION IN AN EXPANDED COMPUTING DEVICE" (attorney docket No. 101950.00027) improperly filed pursuant to 37 CFR 1.53(d) be accorded a filing date of May 20, 2000 under 37 CFR 1.53(b).

Petitioner alleges that original application papers were filed in the Patent and Trademark Office (PTO) on May 20, 2000. In support, petitioner has supplied a copy of his postcard receipt followed by a copy of the original application papers as shown by counsel's file. The postcard receipt acknowledges the filing on May 20, 2000 of:

1. CPA Application
2. Declaration and Power of Attorney
3. Filing Fee; and
4. Postcard

The papers identified on the postcard receipt cannot be located in the PTO. However, PTO finance records do confirm receipt of CPA filing fees being paid on May 20, 2000 in Application No. 09/130,058.

On May 25, 2001, petitioner filed a copy of a request for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) of prior application No. 09/130,058, a declaration under 37 CFR 1.63 and a copy of the original specification and drawings from the prior application purportedly filed on May 20, 2000.

08/20/01 WED 11:42 FAX

PETITIONS

Application Nos. 09/130,058 & 09/819,053

Page 2

The present petition is being construed as a positive affirmation by the registered practitioner that the papers filed in the PTO on May 25, 2001, are true copies of the original application papers shown by counsel's file to have been filed in the PTO on May 20, 2000. Applicants should notify this office if the original papers are subsequently discovered in the PTO so that the present duplicate file can be merged with the original papers and any duplicate filing fee refunded.

Petitioner now indicate that the application was inadvertently filed pursuant to 37 CFR 1.53(d) and requests that the request for a CPA be treated as an application under 37 CFR 1.53(b), and accorded a filing date of May 20, 2000. It is noted that application No. 09/130,058 issued as U.S. Patent No. 6,070,214 on May 30, 2000, as a result of the payment of the issue fee on April 7, 2000.

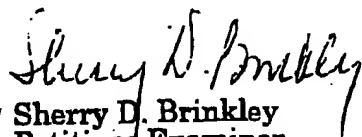
The petition is GRANTED.

The copy of the request for a CPA application, including the accompanying papers filed May 25, 2001, and the petition filed February 20, 2001, have been assigned application No. 09/819,053. All future correspondence concerning the continuing application filed May 20, 2000 should be directed to application No. 09/819,053. One of the CPA filing fees paid in application No. 09/130,058 on May 20, 2000, will be reapplied to application No. 09/819,053.

Thereafter, application No. 09/130,058 will be returned to the Files Repository.

Application No. 09/819,053 is being forwarded to Initial Patent Examination Division for further processing, with a filing date of May 20, 2000, as an application filed pursuant to 37 CFR 1.53(b), not a CPA under 37 CFR 1.53(d), using the application papers supplied on May 25, 2001.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-9220. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



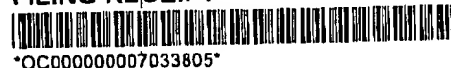
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/819,053	05/20/2000	2181	372	101950-00027	4	23	3

CONFIRMATION NO. 9991

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OC000000007033805

Robert C. Klinger
Jackson Walker, LLP
Suite 600
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Richardson, TX 75080

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Applicant(s)

Frank W. Ahern, Scottsdale, AZ;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/130,058 08/06/1998 PAT 6,070,214

Foreign Applications

If Required, Foreign Filing License Granted 10/12/2001

Projected Publication Date: Not Applicable, filed prior to November 29,2000

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

System enabling device communication in an expanded computing device

Preliminary Class

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11/13/01

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710

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/933,347	05/20/2000	2181	372	1 DOS 14	4	23	3

CONFIRMATION NO. 4443

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OC000000007207028

 Robert C. Klinger
 Jackson Walker, LLP
 Suite 600
 2435 N. Central Expressway
 Richardson, TX 75080

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Date Mailed: 12/18/2001

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Applicant(s)

Frank W. Ahern, Scottsdale, AZ;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CONTINUATION OF 09/130,058 08/06/1998 PAT 6,070,214

Foreign Applications

If Required, Foreign Filing License Granted 08/31/2001

Projected Publication Date: Not Applicable, filed prior to November 29, 2000

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

System enabling device communication in an expanded computing device

Preliminary Class

710

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LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

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This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

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JACKSON WALKER LLP

Attorneys and Counselors

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				09/933347	101950.27		→ \$372.00	

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RESULT	OK